

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO. 10/537,053

REMARKS

Examiner Pelham issued the following two statutory prior art rejections:

- (1) Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by any of U.S. '294, U.S. '170 or U.S. '243; and
- (2) Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over any of U.S. '294, U.S. '170 or U.S. '243 in view of U.S. '229 (Collombin).

Applicant respectfully **traverses** these rejections.

Rejection (1) has been effectively rendered **moot** in view of the above amendments by which claim 7 is canceled and its limitation incorporated into claim 1, whereby the amended claim 1 is essentially equal to the previously presented claims 1 + 7.

Applicant also respectfully traverses rejection (2), because the combined disclosures of any one of the three primary references and Collombin '229 do not teach, or even suggest, all of the limitations of the amended claim 1 (1 + 7), or of its dependent claims 2-6.

More specifically, in COLLOMBIN, heating means (tubes 40) are "arranged in a generally rectangular arrangement" (column 4, lines 24-26). Consequently, heating means are located on the left along the left branch of the conveyor, and heating means are located on the right along the right branch of the conveyor.

Both heating means heat in both directions to the left and to the right.

However, for the right heating means emitting heat towards the left for example, the left heating means blocks the heat flow from right to left (it must be understood that in practice heating means are superposed very near to each other, and are not so separated as illustrated in

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COLLOMBIN). Otherwise said, superposed heating means of one side act as a discontinuous wall for the heat flow from the opposite heating means, and consequently a lot of heat from the heating means located on one side cannot reach preforms conveyed on the opposite side.

The result is that, in COLLOMBIN, preforms conveyed in one branch of the conveyor are overall heated by heating means located on the same side and only a little by heating means located on the opposite side.

However, COLLOMBINE has a more significant disadvantage when infrared heating lamps are used. Such infrared lamps are very sensitive to the ambient temperature, and a correct operation of these lamps highly depends on a correct operation temperature. Particularly, in case of a too high temperature, the lamps become overheated and become broken very easily.

In COLLOMBINE, heating means located on one side is heated by heating means located on the opposite side. If lamps, they become overheated and very easily broken. When a lamp becomes broken, the glass pieces are projected; the heating installation must be stopped. It is a very important disturbance for the production.

To the **contrary**, according to the claimed invention, the heating means are infrared lamps which are superposed in only one single line so as to avoid the above disadvantages and in such a manner that each lamp emit heat symmetrically on both sides; on each side the emitted heat is not disturbed by any obstacle and flows symmetrically on both sides up to both conveyed preform lines.

Thus, since the four references (taken in any combination) cited in the rejection under 35 U.S.C. § 103 do not teach, or even suggest, **all of the limitations** of the amended claim 1 (and

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its dependent claims 2-6), Applicant respectfully submits that these references fail to make a *prima facie* showing of obviousness of the subject matter of claim 1 and its dependent claims. Furthermore, even if COLLUMBIN '229 were combined in any way with one or more of the three primary references, there would not be produced the subject matter of the amended claim 1, or subject matter which would have rendered claim 1 obvious. Therefore, Applicant also respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 103(a). (Applicant notes that claims, substantially the same as the amended claims 1-6, have been allowed in the corresponding European Application No. 03 815 112.2. COLLUMBIN '229 was not before the European Examiner.)

In summary, and for the reasons explained above, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(b) and 103(a), and to find the application to be in condition for allowance with all of claims 1-6; however, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant files concurrently herewith a Petition (with fee) for an Extension of Time of three months. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any

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additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

/John H. Mion/

John H. Mion
Registration No. 18,879

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
(202) 663-7901

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